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10-30-2001

U.S. Patent & TMO/TM Mail Rpt Dt. #26

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Atty. Ref.: 1091.0902

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HERITAGE ENTERTAINMENT, LLC,

Petitioner,

v.

LRC NORTH AMERICA, INC.,

Respondent.  
-----X

Cancellation No.

Reg. No.: 401,369

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

BOX TTAB FEE

<b>"EXPRESS MAIL" Mail Label No.: EL719779370US</b>	
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 39 C.F.R. § 1.10 on the date indicated below and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.	
Signature	
Printed Name	DERELYN HYLAND
Date	October 30, 2001

**PETITION FOR CANCELLATION**

In the matter of United States trademark Registration No. 401,369, dated May 11, 1943,  
**HERITAGE ENTERTAINMENT, LLC** ("Petitioner"), a Florida limited liability company, with a business address of 1926 10<sup>th</sup> Avenue N., Suite 803, Lake Worth, Florida 33461, believes that it is or will be damaged by said registration and hereby petitions to cancel the same.

As grounds therefor, it is alleged that:

1. Petitioner has applied on October 29, 2001, Ser. No. 78/090,615, to register the trademark

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**RAMSES** in the United States Patent and Trademark Office for "male and female contraceptive devices and products, including condoms" (International Class 10), on the basis of a *bona fide* intention to use said trademark in commerce, under Section 1(b) of the United States Trademark Act.

2. Respondent is believed to be the owner of record of United States trademark Registration No. 401,369 for the trademark **RAMSES (Stylized)** in respect of "vaginal jelly" (International Class 5).

3. Petitioner is damaged by Respondent's aforementioned registration, which is likely to be cited by an Examining Trademark Attorney as a bar to registration of Petitioner's aforementioned trademark **RAMSES**, under Section 2(d) of the United States Trademark Act, and is a cloud on Petitioner's right to use said mark in commerce.

4. Upon information and belief, Respondent has not used the trademark **RAMSES (Stylized)** in the United States of America, or in commerce, for any of the goods described in Reg. No. 401,369 during the past three years.

5. Upon information and belief, Respondent did not use the trademark **RAMSES (Stylized)** for any of the goods described in Reg. No. 401,369 during the three years prior to the filing date of Petitioner's application to register its trademark **RAMSES**.

6. Upon information and belief, on a date prior to the filing date of Petitioner's application to register its trademark **RAMSES**, Respondent ceased its use of the mark **RAMSES (Stylized)** for the goods described in Reg. No. 401,369 with the intention of not resuming such use, and thereby abandoned all rights therein.

7. Respondent's aforementioned registration of the mark **RAMSES (Stylized)** is inconsistent with Petitioner's right to use and register its trademark **RAMSES** for the goods described in its

pending application for registration, and said registration may be used in an unfair manner by Respondent as a basis for threatening Petitioner's lawful use of its aforementioned trademark.

The official filing fee of \$300.00 is enclosed herewith, together with a duplicate copy of this Petition for Cancellation. Any additional fees required to be paid in connection with this proceeding should be charged against Deposit Account No. 20-1439.

WHEREFORE, Petitioner prays for cancellation of United States trademark Registration No. 401,369, and also requests that it be granted such further relief as the Trademark Trial and Appeal Board may deem necessary and just.

Respectfully submitted,

HERITAGE ENTERTAINMENT, LLC

Dated: New York, New York  
October 30, 2001

By: Keith E. Danish

Keith E. Danish  
Trademark & Patent Counselors  
of America, P.C.  
915 Broadway, 19th Floor  
New York, New York 10010  
Tel. No.: (212) 387-0247

*Attorneys for Petitioner*